

EXHIBIT 6

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

GOVERNMENT OF THE UNITED : Case Number:
STATES VIRGIN ISLANDS : 1:22-cv-
Plaintiff, : 10904-JSR
v. :
JPMORGAN CHASE BANK, N.A. :
Defendant/Third-Party :
Plaintiff. :

JPMORGAN CHASE BANK, N.A. :
Third-Party Plaintiff, :
v. :
JAMES EDWARD STALEY :
Third-Party Defendant. :

MAY 24, 2023
HIGHLY CONFIDENTIAL

Videotaped deposition of
STEPHEN CUTLER, taken pursuant to notice,
was held at the law offices of Boies
Schiller Flexner LLP, 55 Hudson Yards,
New York, New York, commencing at
9:40 a.m., on the above date, before
Amanda Dee Maslynsky-Miller, a Certified
Realtime Reporter and Notary Public in
and for the State of New York.

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1 APPEARANCES: (Continued)

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VIA ZOOM:

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19 ALSO PRESENT:
20 Danny Ortega, Videographer

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1 the stenographic record. The
2 court reporter today is Amanda
3 Miller and will now swear in the
4 witness.

5 - - -

6 STEPHEN CUTLER, after having
7 been duly sworn, was examined and
8 testified as follows:

9 - - -

10 EXAMINATION

11 - - -

12 BY MS. LIU:

13 Q. Good morning.

14 A. Good morning.

15 Q. Could you please state your
16 name?

17 A. Stephen M. Cutler.

18 Q. And, Mr. Cutler, you
19 currently live in Scarsdale, New York?

20 A. Yes.

21 Q. Do you have any intention of
22 moving before November of 2023?

23 A. No.

24 Q. Do you plan to testify at

1 embarked upon was the only reason,
2 or even a primary reason, to exit
3 Mr. Epstein.

4 BY MS. LIU:

5 Q. You had already decided
6 there were other reasons?

7 A. Yeah. I don't think I was
8 oblivious to the issue that William
9 raised. But I -- in my own mind, I don't
10 remember it as being the core of the --
11 of the issue that drove my conclusion.

12 Q. Do you recall William
13 Langford saying to you, AML
14 investigations does not want -- believe
15 we should retain Jeffrey Epstein as a
16 client, in early 2011?

17 A. I don't remember him
18 referring to AML investigations in
19 particular. I think what he communicated
20 to me was concern about the reputational
21 issues. Those concerns are heightened,
22 if you will, by the human trafficking
23 initiative that we're doing, given that
24 he was convicted of these crimes.

1 ongoing human trafficking through Jeffrey
2 Epstein?

3 A. Here is what I was
4 interested in: If Mr. Epstein was
5 continuing to engage in unlawful
6 activity, we didn't want him as a client.

7 We understood that he had
8 engaged in unlawful activity in the past.
9 That, itself, raised issues. But we were
10 continuing to serve as his bank and
11 maintain his accounts.

12 If he was involved in --
13 in -- if he continued to be involved in
14 criminal activity, we did not want to
15 maintain those accounts.

16 Q. And what did you do to
17 determine whether or not Jeffrey Epstein
18 was continuing to be involved in criminal
19 activity, namely human trafficking?

20 A. Right. I -- again, I would
21 not have personally been involved in
22 that. But we had a compliance department
23 and an anti-money laundering function
24 with well-regarded people. And I trusted

1 them to have done the work that they
2 needed to do in light of Mr. Epstein's
3 status as a -- as a convicted felon and
4 as a high-risk client, to do everything
5 that they could to protect the bank.

6 Q. And they all did their job,
7 right, Mr. Cutler? Your lawyers and
8 compliance personnel told you nobody
9 wanted to keep Mr. Epstein as a client,
10 correct?

11 MR. GAIL: Objection.

12 MR. EDELMAN: Objection.

13 That's -- again, you have two
14 questions, and it's really just a
15 speech. So ask a question.

16 BY MS. LIU:

17 Q. AML operations -- that's
18 under you, correct?

19 A. That's within the AML
20 function.

21 Q. -- went to private bank,
22 risk meeting late last week requesting
23 that we exit this relationship, correct?

24 That's what we saw on the

1 document, right?

2 MR. EDELMAN: Objection.

3 MR. GAIL: Objection.

4 MR. EDELMAN: You're
5 reading -- are you reading from a
6 document? Are you asking him to
7 remember what he said word for
8 word? Come on.

9 BY MS. LIU:

10 Q. Anne Verdon --

11 MR. EDELMAN: Let's use the
12 time.

13 BY MS. LIU:

14 Q. Anne Verdon, the general
15 counsel for the private bank, was not in
16 favor of having retained Jeffrey Epstein
17 as a client?

18 A. Nor was I.

19 Q. Right. The lawyers and
20 compliance and -- who reported up to you
21 and yourself looked at Jeffrey Epstein
22 and your evaluation was he should not be
23 a client at the bank, correct?

24 A. Yes.

1 goings on with respect to Jeffrey
2 Epstein's exit?

3 A. I'm assuming this relates to
4 Mr. Epstein. It doesn't say that, but
5 I'm assuming that's the case.

6 If it's the case, then it
7 appears that Mary Erdoes was -- had
8 included me on the list of people to whom
9 she kept apprised of the exiting process.

10 Q. I'm going to hand you two
11 documents together. This is Exhibit-7
12 from the Mary Casey deposition.

13 And, actually, I'll hold the
14 other one and ask you about this one
15 first.

16 So I will represent to you,
17 Mr. Cutler, this is not a document that
18 JPMorgan produced to us in this case.
19 This is a document that we put together
20 based on information provided to us in
21 this litigation from JPMorgan and we have
22 entitled it, Cash Withdrawals/Direct
23 Payments to Women and Girls from Epstein
24 JPMC Accounts 2003 to 2013.

1 Do you see that?

2 A. I do.

3 Q. Okay. So you can see, for
4 example, that -- on the first page,
5 you'll see that there are numerous,
6 starting with cash, it's in alphabetical
7 order, there are numerous cash
8 withdrawals.

9 Do you see the whole first
10 page after [REDACTED], you see
11 cash, cash, cash, cash, all the way to
12 the bottom.

13 Do you see that?

14 A. Yes.

15 Q. Okay. You also see the
16 names of women and girls who we believe
17 had payments made to them out of an
18 account that was either Jeffrey Epstein's
19 account or an account related to Jeffrey
20 Epstein.

21 A. Okay.

22 Q. So you'll see, for example,
23 just to give an example, the first entry
24 is Jeffrey Epstein, it lists an account

1 number, date 7/16/2003, year 2003, amount
2 \$1,000, payee, and it's a woman's name,
3 [REDACTED].

4 Do you see that?

5 A. I do.

6 Q. Now, I'm not asking you to
7 confirm the accuracy of this document,
8 obviously you cannot. I'm just asking
9 you to assume that the payments listed on
10 here, for purposes of my question, are
11 compiled from information gathered in
12 this litigation.

13 A. Okay.

14 Q. Do you understand that?

15 A. Yes.

16 Q. Okay. So from this
17 spreadsheet, which was the entirety of
18 the cash withdrawals and direct payments
19 to women and girls that we could glean
20 from evidence provided in this case, I
21 have isolated all of the cash withdrawals
22 or direct payments to women and girls
23 that were made in 2013, including
24 payments that were made after the filing

1 of that August suspicious activity
2 report.

3 And I'm going to show that
4 to you. It's Exhibit-37.

5 - - -

6 (Whereupon, Exhibit
7 Cutler-37, No Bates, Epstein's
8 Payments to Women and Cash (2013),
9 was marked for identification.)

10 - - -

11 MR. EDELMAN: So there was
12 no question as to that last
13 exhibit?

14 MS. LIU: Right. I'm just
15 asking him if he understands what
16 I'm asking him to assume.

17 BY MS. LIU:

18 Q. Okay. So, Mr. Cutler, do
19 you see the first entry, account name
20 Jeffrey Epstein, date, 1/14/2013, year
21 2013, amount \$10,000, payee, [REDACTED]
22 [REDACTED]?

23 Do you see that?

24 A. I do.

1 Q. You would agree that the
2 name [REDACTED] would appropriately
3 be referred to as an Eastern European
4 name?

5 MR. GAIL: Objection.

6 MR. EDELMAN: Objection.

7 THE WITNESS: I don't know.

8 BY MS. LIU:

9 Q. What about [REDACTED]
10 [REDACTED], would you consider that to be
11 an Eastern European name?

12 A. I don't -- it could be
13 Russian. It could be Eastern European.
14 I don't know.

15 Q. Okay. So it could be
16 Russian or it could be Eastern European.

17 And then we have seen [REDACTED]
18 [REDACTED]'s name, right, the next one?

19 A. Right.

20 Q. Have you heard of the name
21 [REDACTED]?

22 A. That doesn't sound familiar.

23 Q. You see a lot of [REDACTED]
24 [REDACTED], you see that?

1 A. I do.

2 Q. All right. [REDACTED]

3 [REDACTED]

4 A. Okay.

5 Q. August of 2013. All right.

6 So let's look at August and
7 beyond.

8 A. Okay.

9 Q. August 1st, 2013, a payment
10 is made of \$20,000 in cash from Jeffrey
11 Epstein's account at JPMorgan.

12 August 21st, 2013, after the
13 exit conversation with Jeffrey Epstein,
14 we see a payment of \$15,000 to [REDACTED]
15 [REDACTED].

16 Do you see that?

17 A. I do.

18 MR. GAIL: Object to the
19 first part of the question. It
20 wasn't a question.

21 BY MS. LIU:

22 Q. August 23rd, 2013, we see a
23 payment handled by JPMorgan from Jeffrey
24 Epstein's account to [REDACTED] in

1 the amount of \$1,670.

2 Do you see that?

3 A. I do.

4 Q. August 26th, 2013, \$2,000
5 from Jeffrey Epstein's JPMorgan account
6 to [REDACTED].

7 Do you see that?

8 A. I do.

9 Q. August 30th, 2013, \$520 from
10 Jeffrey Epstein's JPMorgan account to
11 [REDACTED].

12 Do you see that?

13 A. I do.

14 Q. We'll keep going.

15 September 20, 2013 --

16 MR. EDELMAN: Are you
17 filibustering?

18 BY MS. LIU:

19 Q. -- \$15,000 --

20 MR. EDELMAN: Is there a
21 question that has some relevance?
22 Why are you wasting our time?

23 MS. LIU: You can object to
24 form.

1 MR. EDELMAN: I object to
2 form and to the fact that you
3 are --

4 MS. LIU: Thank you. You
5 can stop talking.

6 MR. EDELMAN: -- totally
7 wasting time.

8 BY MS. LIU:

9 Q. Mr. Cutler, do you see there
10 is an entry, 9/24/2013 -- 9/3/2013, a
11 payment of \$15,000 from Jeffrey Epstein's
12 account to [REDACTED]?

13 Do you see that?

14 A. I do.

15 Q. 9/24/2013, \$586.25 to [REDACTED]
16 [REDACTED].

17 Do you see that?

18 A. I do.

19 Q. 9/27/2013, \$2,000, again to
20 [REDACTED].

21 Do you see that?

22 A. I do.

23 Q. 10/3/2013, \$7,143.81, again
24 to [REDACTED].

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1 Do you see that?

2 A. I do.

3 MR. GAIL: Can we stipulate
4 everything on here is on here?

5 BY MS. LIU:

6 Q. We go on to the next page.

7 10/8/2013, months after the
8 exit conversation, [REDACTED]

9 [REDACTED], \$440 to [REDACTED].

10 Do you see that?

11 A. I do.

12 Q. 10/10/2013, Jeffrey Epstein,
13 \$1,495 to [REDACTED].

14 Do you see that?

15 A. I do.

16 Q. 10/15/2013, from Jeffrey
17 Epstein to [REDACTED], \$20,000.

18 Do you see that?

19 A. I do.

20 Q. 10/15/2013, Jeffrey Epstein,
21 \$900 to [REDACTED].

22 Do you see that?

23 A. I do.

24 Q. To the extent all of these

1 transactions accurately reflect payments
2 of cash made by Jeffrey Epstein to women
3 and girls, or withdrawals he made in
4 cash, you would agree with me that all of
5 the ones we just read occurred after [REDACTED]
6 [REDACTED]
7 and also after the decision had been made
8 to exit Jeffrey Epstein, correct?

9 MR. GAIL: Objection.

10 THE WITNESS: I actually
11 don't know when the checks were
12 written and when they cleared, et
13 cetera, et cetera.

14 But if you represent to me
15 that these checks were written
16 after the accounts were closed, I
17 accept the representation.

18 BY MS. LIU:

19 Q. Thank you. You can put that
20 document away.

21 MR. GAIL: Can we get a time
22 check? Go off the record.

23 MR. LICHTENBERG: We have
24 one.